

San Francisco Bay Conservation and Development Commission

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TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: **Staff Report and Recommendation on an Interagency Agreement between BCDC and the California Coastal Conservancy to fund staff for the Bay Restoration Regulatory Integration Team**
(For Commission consideration on January 3, 2019)

Summary

The staff recommends the Commission authorize the Executive Director to execute an interagency agreement with the California Coastal Conservancy to provide to the Commission with up to \$468,313 to fund Commission staff participation in the San Francisco Bay Restoration Regulatory Integration Team ("BRRIT"), a multi-agency team proposed to collaboratively review multi-benefit wetland restoration projects throughout the Bay Area.

Staff Report

Background. With the passage of Measure AA by Bay Area voters in 2016, the restoration community has the opportunity to plan and implement an increasing number of multi-benefit wetland restoration projects in San Francisco Bay. Measure AA funding will provide more than \$500 million over the next 20 years towards a goal of restoring 100,000 acres of wetlands. The Baylands Ecosystem Habitat Goals Science Update (2015) stresses the urgency of accelerating this restoration work; tidal wetlands that are restored and established by 2030 are more likely to flourish when sea level rise accelerates due to climate change. One of the challenges, however, is that the regulatory permitting process has been identified by the Bay Area restoration community as a significant hurdle to accelerating the pace and scale of wetlands restoration. Project applicants face uncertainties in terms of the time required to secure all necessary state and federal permits and uncertain construction schedules due to permit-associated delays prolonging the overall pace of wetlands restoration. Additionally, timeframes for environmental compliance and permitting increase project costs. Wetland restoration projects of all scales and complexities are impacted, but project applicants with limited financial resources face greater challenges in navigating the regulatory system in the Bay Area.

The Bay Restoration Regulatory Integration Team (BRRIT) is expected to resolve many of these issues. The BRRIT is a proposed multi-agency team made up of representatives from six federal and state regulatory and resource agencies charged with oversight of proposed projects that would impact natural resources in San Francisco Bay. Staff members representing the San Francisco Bay Conservation and Development Commission, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, NOAA National Marine Fisheries Service, and the U.S. Army Corps of Engineers would coordinate permitting for Measure AA-eligible multi-benefit wetland restoration projects. The team would incorporate a collaborative, transparent pre-application process to expedite permit processing. The BRRIT would allow for project applications to be reviewed concurrently by an experienced team of regulatory and resource agency staff, as opposed to reviews by each agency in succession. The coordinated pre-application process would document all issues and recommendations for subsequent permitting by each agency under their own authority.

Funding for the BRRIT would be provided by the San Francisco Bay Restoration Authority, the California Coastal Conservancy, and the Santa Clara Valley Water District, with additional funding anticipated from the East Bay Regional Park District and the Bay Area Toll Authority. The Commission would enter into an interagency agreement with the California Coastal Conservancy to provide the Commission with up to \$468,313 of funds over a five-year term (expiring January 22, 2022) to hire a Senior Environmental Scientist-Specialist to serve as the Commission representative to the BRRIT, supervised by the Chief of Federal Consistency and Permits. The agreement provides for regular reporting to the Conservancy on Commission participation in the BRRIT. The agreement also provides for Commission staff participation in a policy management team intended to resolve conflicts between agencies and resolve permitting issues identified by the BRRIT staff. The agreement incorporates performance measures adopted by the San Francisco Bay Restoration Authority intended to ensure the success of the BRRIT.

Recommendation

As a result, the Commission staff recommends the Commission authorize the Executive Director to enter into and execute an agreement with the California Coastal Conservancy to provide \$468,313 to fund the Commission's representation on the BRRIT and amend the contract as long as the amendment does not involve substantial changes in the scope or an increase in value of over 10% of the original amount.